



**National Park Service  
U.S. Department of the Interior**

**Superintendent's Compendium**  
Of Designations, Closures, Permit  
Requirements and Other  
Restrictions Imposed Under  
Discretionary Authority.

**Theodore Roosevelt  
Birthplace National  
Historic Site**

28 East 20<sup>th</sup> Street  
New York, New York 10003

212-260-1616 phone  
212-677-3587 fax  
www.nps.gov/thrb

Approved:

*Shirley McKinney*  
Shirley McKinney, Superintendent

*7/16/2014*  
Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of THEODORE ROOSEVELT BIRTHPLACE NATIONAL HISTORIC SITE. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, and Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

**36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USES OR ACTIVITIES**

(a)(1) The following visiting hours, public use limits, and closures are established:

**Visiting Hours:**

- The National Historic Site is open as scheduled and posted at the building and/or through press releases and public park website, www.nps.gov/thrb
- The building and grounds are open to the public between the hours of 9:00 a.m. and 5:00 p.m. 5 days a week, Tuesday through Saturday. The site is closed Sunday and Monday.
- The park is closed on the following designated federal holiday(s): Thanksgiving Day, and Christmas Day
- The park superintendent may close park facilities due to severe weather or emergencies on an as-needed basis.

*These visiting hours were determined to be in the best interests of the park and are necessary for the proper management of the park.*

**Public Use Limits -- Pursuant to §1.5(d) to implement a public use limit, the Superintendent may establish a permit, registration, or reservations system:**

- No signs or placards shall be permitted in the park area except hand held made of cardboard, poster board, plastic or cloth having dimensions no greater than three feet in width, four feet in length, and one-quarter inch in thickness.
- No supports shall be permitted for signs or placards No parcel, container, package, bundle or other property shall be placed or stored on or along any park fence, hand railing, structure or barrier.
- Due to the steepness, width (14 inches) and hard, solid surface of the front steps, these conditions are in place to ensure the stairs may be safely travelled without obstructions that may cause trip hazards and may result in personal injury.
- No parcel, container, package, bundle or other property shall be placed or stored on or along any park fence, hand railing, structure or barrier.



- Personal property larger than 22 inches by 14 inches by 9 nine inches is prohibited in the Park area. This restriction is based on the generally accepted airline carry-on standards. (See also 36 CFR § 2.22 Property of this document):
  - Oversized bags (backpacks, suitcases, etc.) must be checked at the front desk before accessing the historically-furnished floors.
  - Property left unattended for an extended period may be impounded for inspection, which may result in damage to the property.
- Items, including signs and pictures, cannot be attached to or otherwise left on park structures, including trees, except by permit. See also 36 CFR § 2.1.
- Park quiet hours are established as between 8:00 p.m. – 9:00 a.m.
- Media players, including radios, CD players, MP3 players, televisions, and computers, may only be used with headphones.
- Segway's or similar motorized devices cannot be used in the park, except by individuals with documented disabilities related to mobility.
- Bicycles and other items are prohibited from being attached to the fence and any other objects within the NPS property.
- A maximum of 25 persons may occupy the steps of the national historic site at any time.
- Visitor capacity for tours of the historically-furnished floors is 20 persons at any given time.
- Visitor capacity for the first-floor gallery area is 50 persons at any given time
- Visitor capacity for the second-floor gallery ("Lion's Room") is 20 persons at any given time.
- Unmanned aircrafts.

These conditions have been established to protect park resources, ensure visitor safety, and promote the peaceful enjoyment of the park which is located in a congested, heavily trafficked, urban setting. These restrictions and conditions have been established to allow park visitors to exercise their First Amendment rights while also protecting the safety of visitors and demonstrators and ensuring proper ingress and egress to the park. These restrictions and conditions are necessary to facilitate the safe and proper management of the park area due to space restrictions located in a congested, heavily trafficked urban setting.

#### **Closures:**

- The building is closed between 5:00 p.m. and 9:00 a.m. except by permit. When necessary to protect park visitors from unsafe conditions or to protect park resources, all or portions of the park will be closed on a temporary basis. Signs will be posted to announce such temporary closures.
- The park is designated as closed to the following activities, for which a permit will not be issued:
  - Camping – Camping is defined by 36 CFR 1.4(a) as the erecting of a tent or shelter or natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy
  - Audio Disturbances – Quiet hours for the exterior of the building are in place from 8:00 p.m. to 9:00 a.m.
  - Residing on Federal Lands
  - Memorialization
  - Construction of Buildings
  - Scattering of cremated human remains
  - Demonstrations of more than 25 people. See 36 CFR § 2.51 of this document for more information.

*These closures are in effect to protect the health and safety of park visitors, to protect the Park's cultural resources and values, and to respect the Park's surrounding environment. These closures are the minimum restrictions necessary to achieve such protection.*

(a)(2) The following areas are designated for a specific use or activity and/or the following conditions or restrictions are imposed on a specific use or activity:



- Access to the library is for research by appointment only and requires advance NPS approval

### **36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT**

Activities requiring a permit are listed above under **Public Use Limits** and throughout this document under the specific 36 CFR Section that authorizes or requires the issuance of a permit.

#### **(b) Permit application**

Permit applications for Special Park Use permits are available at the park website: [www.nps.gov/thrb](http://www.nps.gov/thrb). The Superintendent will act upon a permit request within 10 days of receiving a complete and fully executed application. Accordingly, permit applications must be received at least 10 days before the anticipated activity. Permit applications must be accompanied by a non-refundable application fee of \$50, except for First Amendments requests.

#### **(e) Permit terms and conditions**

Additional cost-recovery, use and monitoring fees may be charged in accordance with established policy and procedures.

#### **(f) The following is a compilation of those activities for which a permit from the Superintendent is required:**

- §2.12 Audio Disturbances:
  - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
  - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.37 Soliciting or demanding gifts, money, goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.52 or §2.52).
- §2.50 (a) Conduct sports event, pageant, and regatta. Public spectator attraction, entertainment, ceremony and similar events.
- §2.52 Sale or distribution of printed matter that is not solely commercial advertising.
- §2.62 Memorialization:
  - (a) Erection of monuments (Requires approval from Regional Director)
  - (b) Scattering ashes from human cremation
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
  - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
  - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.10(a) Operation of eating, drinking, or lodging establish

### **36 CFR §1.5 CLOSURE ON LAUNCHING, LANDING, OR OPERATING UNMANNED AIRCRAFT**

Devices used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device is prohibited except under a special use permit that specifically authorizes launching, landing, or operating unmanned aircraft that is approved by the Associate Director, Visitor and Resource Protection (ADVPRP).

The term unmanned aircraft includes all devices that meet this definition (e.g., model airplanes, quadcopters, and drones) that are used for any purpose, including for recreation or commerce.

### **36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES**

(a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue is prohibited.

- Visitors must enter and exit the site only by marked doors, or at the direction of staff
- Visitors may ascend and descend the front steps when the park is open

### **36 CFR §2.4 – WEAPONS, TRAPS AND NETS**

Pursuant to 36 CRR § 2.4(a)(1), possessing, carrying, or using a trap or net is prohibited. Pursuant to 18 U.S.C. § 930, firearms are prohibited in federal facilities. Federal facilities are defined as "buildings or parts thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties." Federal facilities are marked with signs at public entrances, and include the following building: 20 East 20<sup>th</sup> Street, New York, NY 10003

- Pursuant to 16 U.S.C. §§ 1a – 7b (P.L. 111-24 Section 512), park visitors may carry firearms in National parks, other than buildings if they are in compliance with federal, state, and local laws.
- Weapons cannot be used in the park except by authorized federal, state, or local law enforcement officers in the performance of their official duties. Pursuant to (e), Authorized Federal, State and local law enforcement officers
- Historic weapons may be carried, possessed or used by appropriate staff members and/or volunteer individuals or groups who are invited and sponsored by the Park to participate in official and regulated historic weapons living history programs.

*Federal law prohibits the possession of a firearm or other dangerous weapon in this Federal facility unless specifically authorized. 18 USC 930(a) possession violations are subject to fine and/or imprisonment up to one year, while 18 USC 930(b) possession violations with intent to commit a crime are punishable by a fine and imprisonment up to five years*

### **36 CFR §2.5 – RESEARCH ITEMS & SPECIMENS**

(a) Taking plants, artifacts, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR or pursuant to the terms and conditions of a specimen collection permit.



### **36 CFR §2.10 – CAMPING AND FOOD STORAGE.**

- Camping is prohibited throughout the park.

### **36 CFR §2.12 – AUDIO DISTURBANCES**

(a)(1) Operating motorized equipment or machinery in a manner: (i) That exceeds a noise level of 60 decibels measured on the A-weighted scale at 50 feet; or, if below that level, nevertheless; (ii) makes noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances is prohibited.

(a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51.

### **36 CFR §2.14 – SANITATION AND REFUSE**

(a)(2) Using park refuse receptacles or facilities for dumping household, commercial or industrial refuse is prohibited.

- Theodore Roosevelt NHS is a "trash free" park
- Visitors are responsible for their own trash management, collection, and removal from the park. Disposal of refuse in park restrooms is prohibited.

### **36 CFR §2.15 – PETS**

(a)(1) Possessing pets in public buildings, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:

- Pets are not allowed in any part of the public building or office except for service animals
- CFR 28 part 36: A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.
- A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of disability to use harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animals safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control) e.g., voice control, signals or other effective means.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

- Pet excrement must be removed immediately from anywhere in the park

### **36 CFR §2.20 – SKATING, SKATEBOARDS AND SIMILAR DEVICES**

Using roller skates, skateboards, roller skis, coasting vehicles or similar devices is prohibited.

### **36 CFR §2.21 – SMOKING**

(a) The following portions of the park, buildings, structures and/or facilities are closed to smoking as noted:

- Smoking is prohibited anywhere within the park building, offices, and government vehicles.

*These restrictions are based on a determination that smoking must be prohibited in these structures to protect park resources, reduce the risk of fire, and protect the health of park visitors and staff.*

### **36 CFR §2.22 – PROPERTY**

(b)(1) Property determined to be left unattended for any period of time may be impounded. All property must remain under the direct control of its owner at all times.

- Oversized bags (backpacks, luggage, etc.) must be left at the front desk when visiting the historically-furnished floors or galleries, and are an exception.

(b)(2) Unattended property that interferes with visitor safety, orderly management of the park area, or presents a threat to park resources may be impounded by the superintendent at any time. Such property will be impounded for inspection. Inspection may be destructive.

### **36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES**

(a)(3)(i) The following areas and facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- All government buildings are closed to the consumption of alcoholic beverages except by permit for special events.

*These closures are implemented following the determination made by the superintendent that allowing alcohol consumption and open container possession in these areas would be inappropriate. The Park's walkways, parking lots, and buildings should not be used as areas to consume or possess alcohol, rather they are for park visitors seeking to walk about and enter the Park area.*

### **36 CFR §2.37 – NONCOMMERCIAL SOLICITING**

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions of a permit that has been issued under §2.50, §2.51, or §2.52.

### **36 CFR §2.38 – EXPLOSIVES**

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

(b) Using, or possessing fireworks and firecrackers is prohibited, except pursuant to the terms and conditions of a permit.

### **36 CFR §2.50 – SPECIAL EVENTS**

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefor has been issued by the superintendent.

### **36 CFR §2.51 – DEMONSTRATIONS (“First Amendment Area”)**

(b) Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity.



- No park areas are designated for this activity of 25 people or more
- Park quiet hours 8:00 pm through 9:00 am

*There is no park area large enough to safely accommodate a demonstration of more than 25 people. Therefore no park area is designated as available for a demonstration of more than 25 people and a permit will not be issued for such an activity. This is necessary to protect the health and safety of park visitors; to protect the Park's cultural resources and values; to not interfere with interpretive, visitor services, or other programs or administrative activities of the Park; and to respect the Park's surrounding environment. These are the minimum restrictions necessary to achieve such protection.*

(c)(2) The following locations are designated as available for demonstrations:

- Front steps of 28 East 20<sup>th</sup> Street (the National Historic Site) See map below
- The capacity of the area designated as available for demonstrations can safely accommodate 25 persons.
- Only handheld signs/placards made of cardboard, poster board, plastic or cloth and not larger than 3 feet in width, 4 feet in length, and 1/4 inch in thickness are allowed in the park. No supports are allowed for signs or placards.
- Personal property larger than 22 inches by 14 inches by 9 nine inches is prohibited in the demonstration area. This restriction is based on the generally accepted airline carry-on standards.

See map below – First Amendment Area



*These conditions have been established to allow park visitors to exercise their First Amendment rights while also protecting the safety of visitors and demonstrators. These conditions are designed to ensure that the park area can be safely travelled without obstructions to walkways that could result in injury and to facilitate the proper management of the park area which is located in a congested, heavily trafficked, urban setting. These conditions are necessary to achieve the Park's objectives of protecting the safety of visitors.*

### **36 CFR §2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER**

(b) The sale or distribution of printed matter by less than 25 persons is allowed within park areas designated as available under §2.51(c)(2) (see above). The sale or distribution of printed matter by

more than 25 persons is not allowed as there is no park area to safely accommodate a group of more than 25 people.

### **36 CFR §2.61 – RESIDING ON FEDERAL LANDS**

(a) Residing in park areas, other than on privately owned lands, is prohibited except pursuant to the terms and conditions of a permit lease or contract.

### **36 CFR §2.62 – MEMORIALIZATION**

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

### **36 CFR §4.30 – BICYCLES**

- (a) The use of a bicycle is permitted on park roads and in parking areas that are otherwise open for motor vehicle use by the general public. There are no park roads or parking areas open to motor vehicle use by the general public within Theodore Roosevelt Birthplace National Historic Site and bicycle use is therefore prohibited.

### **36 CFR §5.1 – ADVERTISEMENTS**

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent.

### **36 CFR §5.3 – BUSINESS OPERATIONS**

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

### **36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY**

(a) Before any motion picture may be filmed or any television production or sound track may be made by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent.

(b) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

### **36 CFR §5.7 – CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES**

Such activities are prohibited, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.